

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

WINERIES OF THE OLD MISSION PENINSULA ASSOC. (WOMP), a Michigan nonprofit corporation; BOWERS HARBOR VINEYARD & WINERY, INC, a Michigan corporation; BRY'S WINERY, LC, a Michigan corporation; CHATEAU GRAND TRAVERSE, LTD, a Michigan corporation; CHATEAU OPERATIONS, LTD, a Michigan corporation; GRAPE HARBOR, INC, a Michigan corporation; MONTAGUE DEVELOPMENT, LLC, a Michigan limited liability company; OV THE FARM, LLC, a Michigan limited liability company; TABONE VINEYARDS, LLC, a Michigan limited liability company; TWO LADS, LLC, a Michigan limited liability company; VILLA MARI, LLC, a Michigan limited liability company; WINERY AT BLACK STAR FARMS, LLC, a Michigan limited liability company;

Plaintiffs,

v

PENINSULA TOWNSHIP, a Michigan municipal corporation,

Defendant,

and

PROTECT THE PENINSULA, INC.,

Intervenor-Defendant.

Case No. 1:20-cv-01008

HON. PAUL L. MALONEY

MAG. JUDGE RAY S. KENT

**INTERVENER PROTECT THE
PENINSULA'S
MOTION FOR PARTIAL
SUMMARY JUDGMENT**

ORAL ARGUMENT REQUESTED

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**INTERVENER PROTECT THE PENINSULA'S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

**INTERVENER PROTECT THE PENINSULA'S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

Intervening Defendant Protect the Peninsula, Inc. (PTP), by undersigned counsel, pursuant to Fed. R. Civ. P. 56, respectfully moves this Court for summary judgment in its favor against Plaintiffs Bower Harbor Vineyards & Winery, Inc. (Bowers); Brys Winery, L.C. (Brys), Chateau Grand Traverse, Ltd. (Chateau Grand Traverse), Chateau Operations, Ltd (Chateau Chantal), Grape Harbor, Inc. (Peninsula Cellars), Montague Development, LLC (Hawthorne), OV the Farm, LLC (Bonobo), Tabone Vineyard, LLC (Tabone), Two Lads, LLC (Two Lads), Villa Mari, LLC (Villa Mari), and Winery at Black Star Farms, LLC (Black Star).

PTP moves under Rule 56 for summary judgment in its favor on the following claims and asks that the Court grant all just and proper relief:

- All First Amendment and Taking claims (Counts I, II, III, and VII) by Black Star, Bonobo, and Tabone for lack of standing;
- All First Amendment and Taking claims (Counts I, II, III, and VII) by non-Chateaus Black Star, Two Lads, Tabone, and Peninsula Cellars relating to 8.7.3(10) for lack of standing because it is inapplicable to them;
- All First Amendment and Taking claims (Counts I, II, III, and VII) by Bonobo, Bowers, Brys, Grand Traverse, and Hawthorne relating to 8.7.3(10)(u) for lack of standing because it is inapplicable to them;
- All First Amendment and Taking claims (Counts I, II, III, and VII) by Black Star, Bonobo, Brys, Chateau Chantal, Grand Traverse, Mari, Peninsula Cellars, Tabone, Two Lads as barred by the statute of limitations;

- All Plaintiffs' First Amendment claims (Counts I, II, and III) relating to 6.7.2(19) or any subpart thereof; 8.7.3(10) or any subpart thereof; and 8.7.3(12)(g) and (i) because Plaintiffs failed to establish essential elements and there is no genuine issue as to any material fact; and
- All Plaintiffs' Taking Claims (Count VII) because Plaintiffs failed to establish essential elements and there is no genuine issue as to any material fact.

PTP relies on the attached Brief in Support and Exhibits to support its requested relief.

Respectfully submitted,

Date: October 6, 2023

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Date: October 6, 2023

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CERTIFICATE OF SERVICE

I, Tracy Jane Andrews, hereby certify that on the 6th day of October, 2023, I electronically filed the foregoing document with the ECF system which will send a notification of such to all parties of record.

By: _____

Tracy Jane Andrews (P67467)